

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 94 OF 2019
IN
REVISION APPLICATION NO. 85 OF 2019

Nitin Jalinder Mandlik.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Ganesh Bhujbal, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 15, 2019.

P. C. :

1 Since the Bench of the Hon'ble Smt. Justice Mridulla Bhatkar is not available today, the Petitions are mentioned and taken on board and order is passed on praecipe.

2 Heard the learned Counsel for the applicant and the learned APP for State. Leave to amend. Amendment to be carried out forthwith.

3 The applicant herein is convicted in Summary Criminal Case No. 699 of 2012 by 4th Judicial Magistrate First Class, Baramati for the offence punishable under section 279 and 338 of the Indian Penal Code vide Judgment and Order dated 21st March, 2013. Being aggrieved by the

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said Judgment and Order, the applicant herein had filed criminal Appeal No. 28 of 2013 before the Appellate Court. The Appellate Court i.e. Additional Sessions Judge, Baramati vide Judgment and Order dated 14/2/2019 has been pleased to dismiss the appeal and has directed the accused to surrender to his bail bond. Accordingly, the applicant has been taken into custody on 14/2/2019. Hence, this Revision Application.

4 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and hence, he is entitled to the same relief during the pendency of the revision application. The applicant has been sentenced to suffer S.I. for one month and fine of Rs. 1,000/- I.d. to suffer S.I. for 7 days for the offence punishable under section 338 of the Indian Penal Code and for offence punishable under section 279 of the Indian Penal Code and section 184 of the Motor Vehicle Act, the applicant is sentenced to suffer till rising of the court and to pay a fine of Rs. 500/- each.

5 The learned Counsel for the applicant submits that the applicant has good case on merits. Hence, revision is admitted.

6 In view of the above, the applicant deserves to be enlarged on bail.

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7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and on or more sureties in the like amount.
- (iii) The applicant shall report to the Court of the 4th Judicial Magistrate First Class, Baramati once in 6 months on the date assigned by the learned Magistrate Court. Upon failure to attend any two consecutive dates before the court of the 4th Judicial Magistrate First Class, Baramati, the learned Magistrate shall inform same to the High Court and the prosecution is at liberty to make an application for cancellation of bail.

8 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

[SMT. SADHANA S. JADHAV, J.]